

The flagrant disregard of the statutes by telemarketers is completely out of hand. I believe the reasons for this are the statutes involved. When states and in particular, the federal government shifted the burden of prosecuting the cases to private citizens, the only venue available without significant costs is small claims court. I have won (judgment for plaintiff) five small claims cases against telemarketers for numerous violations of the federal statutes. Although the statute clearly places the sanction at \$500.00 per violation with the possibility of treble damages, I have never received a judgment for more than \$500.00. Since (in California) plaintiffs have no appeals process at the small claims level, this essentially strips away the deterrent value of the sanctions as imposed in the statute and makes punitive sanctions nonexistent. This becomes nothing more than a cost of doing business and a nuisance for telemarketers. I had one judge/commissioner tell me, "Look, it took a few minutes of your time, that's all your going to get." Since I became educated and took up the burden of prosecuting these cases, the numbers of calls have steadily increased. Pre-recorded calls are now the norm, not the exception. Nearly all pre-recorded calls are in violation of the TCPA. When telemarketers are not able to hide enough information, and I am able to contact them, they exhibit duplicitous attitudes and inform me that I do not know the law and they are wholly within the statute. They hang up when I make my do-not-call requests and if I get that out, they hang up or just ignore my request for a do-not-call policy. I do not think placing the prosecutorial burden back on the Federal or State's Attorney's General is the answer. These offices are suffering under a huge caseload as it is. What is the answer? I do not know. I do know that clearly the system as it stands now is as big a failure as the company specific do-not-call lists and the telemarketing industries self-policing as required under the current statute.

Complete overhauls of the statute and laws is paramount. Telemarketers should not have the right to invade my home, my privacy unannounced, uninvited and unsolicited. Telemarketers are permitted to ignore the law repeatedly. If I do not feel like stopping at a stop sign and I am caught, I am severely sanctioned, severely enough to deter me from ignoring the legal stop sign in the future. If I continue to ignore stop signs, eventually my right to operate a motor vehicle is removed. My pleading ignorance or attempts to comply with the law will not relieve me of the sanctions imposed, however this is the case many times with telemarketers. It is time the governing bodies step up to the plate and restores American's privacy and the sanctity of our homes.

Sincerely,

Michael Babcock